

UNITED STATES INTERNATIONAL TRADE COMMISSION  
Washington, DC 20436

**MEMORANDUM ON PROPOSED TARIFF LEGISLATION  
of the 109<sup>th</sup> Congress<sup>1</sup>**

[Date approved: August 26, 2005]<sup>2</sup>

**Bill No. and sponsor:** H.R. 1892 (Mr. Cleaver).

**Proponent name, location:** Bayer Crop Science  
Washington, DC, 20004

**Other bills on product (109<sup>th</sup> Congress only):** None.

**Nature of bill:** Temporary duty suspension through December 31, 2008.

**Retroactive effect:** None.

**Suggested article description(s) for enactment (including appropriate HTS subheading(s)):**

5-*tert*-butyl-3-(2,4-dichloro-5-isopropoxyphenyl)-1,3,4-oxadiazol-2(3*H*)-one (Oxadiazon) (CAS No. 19666-30-9) (provided for in subheading 2934.99.11)

**Check one:**    ☐ Same as that in bill as introduced  
                  ☒ Different from that in bill as introduced (explain differences in Technical comments section)

**Product information, including uses/applications and source(s) of imports:**

The subject is a chemical, Oxadiazon, imported from France. It is used as the active ingredient in a herbicide which provides season-long control of crabgrass and goosegrass.

<sup>1</sup> Industry analyst preparing report: Jack Greenblatt (202-205-3353); Tariff Affairs contact: David Michels (202-205-3440).

<sup>2</sup> Access to an electronic copy of this memorandum is available at [www.usitc.gov/tata/hts/other/rel\\_doc/bill\\_reports/index.htm](http://www.usitc.gov/tata/hts/other/rel_doc/bill_reports/index.htm)

**Estimated effect on customs revenue:**

<b>HTS subheading: <u>2934.99.11</u></b>					
	2005	2006	2007	2008	2009
Col. 1-General rate of duty (AVE) <u>1/</u>	6.5%	6.5%	6.5%	6.5%	6.5%
Estimated value <i>dutiable</i> imports	\$7,296,000	\$7,296,000	\$7,296,000	\$7,296,000	\$7,296,000
Customs revenue loss	\$474,240	\$474,240	\$474,240	\$474,240	\$474,240

1/ The AVE is the ad valorem equivalent of a specific or compound duty rate expressed as a percent, using the most recent import data available.

Source of estimated dutiable import data: Industry estimates.

**Contacts with domestic firms/organizations (including the proponent):**

Name of firm/organization	Date contacted	US production of same or competitive product claimed?	Submission attached?	Opposition noted?
		(Yes/No)		
Bayer Crop Science (proponent) Mike Gill Tel: 202-508-8843	7/14/2005	No	No	No
AtoFina Cerexagri Charles Kitchin Fax: 703- 527- 2092	7/14/2005	No	No	No
Aventis Jean Rimers Fax: 202- 628- 6622	7/14/2005	No	No	No
BASF Corp Greg Theis Fax: 202- 682- 9459	7/14/2005	No	No	No
Crop Life America Lawrence Norton Fax: 202- 463 0474	7/14/2005	No	No	No
Dow Agro Science Margaret Rogers Fax: 202-429-3467	7/14/2005	No	No	No
E.I. duPont Elaine Olsen Fax: 302- 892- 7343	7/14/2005	No	No	No
FMC Corp Jerry Prout. Fax: 202- 956- 5235	7/14/2005	No	No	No

Syngenta. Mike Blythe Fax: 336- 632- 6084	7/14/2005	No	No	No
Valent USA. Robin Demouth Fax: 925- 256- 2776	7/14/2005	No	No	No

**Technical comments:**<sup>3</sup>

The Commission suggest that the chemical description on page 1 of this report be used, which provides the industry name of the chemical in parentheses along with italicization of “tert” and “H” as used in the chemical name.

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<sup>3</sup> The Commission may express an opinion on the HTS classification of a product to facilitate consideration of the bill. However, by law, only the U.S. Customs Service is authorized to issue a binding ruling on this matter. The Commission believes that the U.S. Customs Service should be consulted prior to enactment of the bill.

109TH CONGRESS  
1ST SESSION

# H. R. 1892

To suspend temporarily the duty on Oxadiazon.

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IN THE HOUSE OF REPRESENTATIVES

APRIL 27, 2005

Mr. CLEAVER introduced the following bill; which was referred to the  
Committee on Ways and Means

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## A BILL

To suspend temporarily the duty on Oxadiazon.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. OXADIAZON.**

4 (a) IN GENERAL.—Subchapter II of chapter 99 of  
5 the Harmonized Tariff Schedule of the United States is  
6 amended by inserting in numerical sequence the following  
7 new heading:

“	9902.05.86	5-t-butyl-3-(2,4-dichloro-5-isopropoxyphenyl)-1,3,4-oxadiazol-2(3H)-one (CAS No. 19666–30–9) (provided for in subheading 2934.99.11) .....	Free	No change	No change	On or before 12/31/2008	”.
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1       (b) EFFECTIVE DATE.—The amendment made by  
2 subsection (a) applies to goods entered, or withdrawn from  
3 warehouse for consumption, on or after the 15th day after  
4 the date of enactment of this Act.

